

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15276 of Marlene A. Guy, pursuant to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Sub-section 2101) to allow a 10-room rooming house, basement through the third floor, in a C-2-A District at premises 1623 1st Street, N.W., (Square 614, Lot 110).

HEARING DATE: June 20, 1990  
DECISION DATE: July 11, 1990

**FINDINGS OF FACT:**

1. The subject site is located on the east side of 1st Street between Q Street and Florida Avenue, N.W. It is known as premises 1623 - 1st Street, N.W., located in a C-2-A District.

2. The site consists of 1,120 square feet of land area. The lot is 75 feet in length. It is irregularly shaped with regard to its width. The lot is 17 feet wide for 60 percent of its length and it narrows toward the rear to 11.3 feet in width.

3. The lot is improved with a three-story row house structure that almost occupies the entire lot. The rear yard is small and accessible through a narrow 10-foot wide public alley. The structure was built in 1900 and contains approximately 3,450 square feet of space. It has 10 rooming units, two bathrooms and one kitchen. The structure has been used as a rooming house, however there is no record of a certificate of occupancy having been issued for this use.

4. The applicant purchased the property in 1986 and has operated a rooming house since that time. The applicant proposes to continue the rooming house use which can be conducted as a matter-of-right in the C-2-A District.

5. Section 2101 of the Zoning Regulations requires the applicant to provide three off-street parking spaces, (one, plus one for each five units). The applicant requests 100 percent variance relief from the parking requirement. Due to the small size of the rear yard and the narrow alley, no vehicles can be parked on site.

6. Presently, nine of the ten units are occupied. None of the applicant's tenants owns a car. Prospective tenants are notified through a stipulation in the lease that only tenants without cars may live at the rooming house. The applicant carefully screens each potential tenant.

7. The Office of Planning (OP), by report dated April 9,

1990, and through testimony at the hearing, recommended that the application be approved. OP was of the opinion that the design constraints and the irregular shape of the lot create the need for the variance relief requested. OP pointed out that parking conditions in the area are generally difficult although there is unrestricted parking on the west side of 1st Street and on Q Street. It was noted, however, that the property is located within a convenient distance of several metrobus lines travelling on Florida and New York Avenues and North Capitol Street. OP also noted that the applicant has been operating the rooming house for nearly four years and that the present tenants do not own cars. In the opinion of the Office of Planning, the character of the immediate neighborhood is not likely to be affected by the continuation of this use.

8. The D.C. Fire Department, by memorandum dated March 8, 1990, reported that it had no objection to the applicant's request.

9. Advisory Neighborhood Commission (ANC) 5C, by letter dated April 11, 1990, and through testimony at the hearing, expressed its opposition to the application. ANC 5C was concerned that granting the variance and allowing the rooming house would encourage the decline of property values because of overcrowding, litter and excess traffic. The ANC was concerned that there is inadequate monitoring of the property for compliance with building code and other code requirements. Finally, ANC 5C felt that a rooming house at the site would undermine the stability of the neighborhood that is enhanced by homeowners rather than transients.

10. Responding to some of the concerns of ANC 5C, the applicant indicated that renovations are being done on the property to bring it into compliance with the various code requirements. The property is otherwise well managed. The tenants do not contribute to the traffic problem in the area because they do not own cars.

11. One of the tenants who has resided at the rooming house for two and one-half years testified in support of the application. He indicated that the applicant runs the building well and that the tenants are not disruptive to their neighbors.

12. A man who helps the applicant manage, maintain and oversee the building testified that the property is decent and it is an asset to the block.

13. No one testified in an individual capacity in opposition to the application.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a variance from the off-street parking requirements to establish a rooming house in a C-2-A District. The granting of such a variance requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that granting the requested relief will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met this burden of proof.

The Board concludes that the subject lot is small and almost entirely covered by the three-story structure. This condition creates a practical difficulty for the owner in her attempt to comply with the off-street parking requirements of the Zoning Regulations.


The Board concludes that since the tenants at the rooming house will not own cars, failure to provide off-street parking will not be of substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan.

The Board concludes that it has afforded ANC 5C the "great weight" to which it is entitled. Accordingly, it is **ORDERED** that the application is hereby **GRANTED**.

VOTE: 5-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to grant; Tersh Boasberg to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAR 18 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15276Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15276

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAR 1 1981 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Marlene A. Guy  
10744 Castleton Turn  
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George Privott  
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James Berry, Jr., Chairperson  
Advisory Neighborhood Commission 5-C  
1723 - 3rd Street, N.E.  
Washington, D.C. 20002

A handwritten signature in black ink, appearing to read "E. Curry", is written over a horizontal line.

Edward L. Curry  
Executive Director

DATE: \_\_\_\_\_

Attes.8/BHS